

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VIKING COMMUNITY BANK, a
WASHINGTON banking corporation, as Trustee
for Ocean Treasures, LLC,

Plaintiff,

v.

F/V PACIFIC PRODUCER, Official Number
250021, her engines, tackle, apparel, furniture,
equipment, permits and licenses, *In Rem*, and
OCEAN CREST SEAFOODS CORPORATION,
a Washington corporation, CHRIS TSABOURIS
and "JANE DOE" TSABOURIS, his wife, and
their marital community, *In Personam*,

Defendants.

No. C04-1294Z

ORDER

THIS MATTER having come before the Court upon the Plaintiff's motion for default judgment *in rem*, docket no. 79, the Court having considered the records and files herein and the affidavits and declarations submitted with the motion, and the Clerk having entered an Order of Default *in rem*, docket no. 81, the Court now makes the following findings:

1. Plaintiff is entitled to a Default Judgment against the defendant vessel, no answer or claim having been made; and

2. Plaintiff's claims under its preferred marine mortgage and under the maritime liens which have been assigned to it are superior to that of any other claimant.

NOW THEREFORE, IT IS

ORDER 1-

1 ORDERED that the preferred marine mortgage on the F/V PACIFIC PRODUCER,
2 Official Number 250021, her engines, tackle, apparel, furniture and equipment, originally in
3 favor of Viking Community Bank as trustee for Ocean Treasures, LLC and subsequently
4 assigned to Ocean Treasures, LLC, is foreclosed; and it is further

5 ORDERED that Ocean Treasures, LLC shall have judgment against the F/V PACIFIC
6 PRODUCER, Official Number 250021, her engines, tackle, apparel, furniture, equipment,
7 permits and licenses *in rem* for \$282,201.66, plus interest at the rate of \$108.49 per day from
8 April 20, 2005 until the entry of judgment plus interest at the federal rate from the date of
9 entry of judgment until paid, plus costs and administrative expenses in the amount of
10 \$42,733.57, plus \$29,627.48 as reasonable attorneys' fees and costs, and plus such additional
11 administrative expenses, attorneys' fees and costs as are subsequently approved; and it is
12 further

13 ORDERED that the maritime liens on the F/V PACIFIC PRODUCER, Official
14 Number 250021, her engines, tackle, apparel, furniture and equipment, which were the
15 subject of the Complaints in Intervention which have been assigned to Ocean Treasures, LLC
16 and for which Ocean Treasures, LLC has been substituted as plaintiff are foreclosed; and it is
17 further

18 ORDERED that Ocean Treasures, LLC shall have judgment against the F/V PACIFIC
19 PRODUCER, Official Number 250021, her engines, tackle, apparel, furniture, equipment,
20 permits and licenses *in rem* for \$85,311.96, plus interest at the federal rate from April 20,
21 2005 until paid; and it is further

22 ORDERED that the U. S. Marshal shall, pursuant to the rules of the United States
23 District Court for the Western District of Washington, cause the F/V PACIFIC PRODUCER,
24 Official Number 250021, her engines, tackle, apparel, furniture, equipment, permits and
25 licenses, to be condemned and sold at public auction to the highest and best bidder, the sale

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ORDER 2-

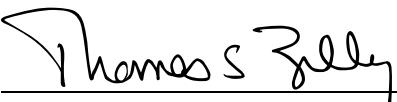
1 to be held alongside the vessel on a date and at a time satisfactory to the U. S. Marshal to be
2 determined after entry of this Order; and it is further

3 ORDERED that at such sale, Ocean Treasures, LLC, plaintiff, is authorized to bid in
4 any part of the judgments, accrued interest, administrative expenses and attorneys' fees and
5 costs here awarded without cash deposit, and that, in the event the bid of Ocean Treasures,
6 LLC, plaintiff, is the highest and best bid, the amount of such bid shall be credited on the
7 judgment here awarded; and it is further

8 ORDERED that the U. S. Marshal shall deposit the proceeds of the sale, if any, into
9 the Registry of the Court and the Clerk shall, after having paid all costs and administrative
10 expenses as approved by subsequent Order, pay to Ocean Treasures, LLC, plaintiff, so much
11 of the balance remaining as is necessary to satisfy the judgment here awarded, and the Clerk
12 shall retain the remainder of the proceeds, if any, in the Registry of the Court subject to
13 further Order.

14 IT IS SO ORDERED.

15 DATED this 25th day of April, 2005.

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18 Thomas S. Zilly
19 United States District Judge
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